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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/534,823

05/13/2005

Kia Silverbrook

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SILVERBROOK RESEARCH PTY LTD  
393 DARLING STREET  
BALMAIN, 2041  
AUSTRALIA

EXAMINER

STEPHENS, JUANITA DIONNE

ART UNIT

PAPER NUMBER

2853

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/21/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/534,823

Applicant(s)

SILVERBROOK, KIA

Examiner

Juanita D. Stephens

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Application filed 5/13/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-20, 22-35 and 37-47 is/are rejected.
- 7) ☒ Claim(s) 5, 21 and 36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.   
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).   
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/13/06, 5/13/05</u>   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. Acknowledgement is made of the Information Disclosure Statement filed 11/13/2006 and 5/13/2005.

### ***Specification***

2. The disclosure is objected to because of the following informalities:  
The "CROSS-REFERENCE TO RELATED APPLICATIONS" section is missing.  
Appropriate correction is required.

### ***Claim Objections***

3. Claims 8, 10, 15, 23, 31, 43, and 44 are objected to because of the following informalities

In claim 8, line 5 delete "the" (2<sup>nd</sup> occurrence).

In claim 10, line 3 replace "a bubble" with --said bubble--. (The recitation of "a gas bubble" was recited in claim 1).

In claim 15, line 4 delete "a" (2<sup>nd</sup> occurrence).

In claim 23, line 4 delete "a".

In claim 31, line 4 delete "a".

In claim 43, line 2 replace "the chamber" with --a chamber.

In claim 44, line 2 replace "the chamber" with --a chamber.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 4, 8, 17-18, 20, 24, 33-35, and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Feinn et al. (US 6,543,879) B1.

Feinn et al. discloses a method of ejecting a drop of an ejectable liquid and a printer system incorporating a printhead (Fig. 4) comprising: **1)** a substrate (142) having a substrate surface, **2)** a plurality of nozzles (113), each nozzle having a nozzle aperture opening through the substrate surface, the areal density of the nozzles relative to the substrate surface exceeding 10,00 nozzles per square cm of substrate surface (abstract; col 16, lns 11-13), **3)** a least one respective heater (firing resistor 148) corresponding to each nozzle, wherein each heater element is arranged for being in thermal contact with a bubble forming liquid (ink 30), **4)** each heater element configured to heat at least part of the bubble forming liquid to a temperature above its boiling point to form a gas bubble therein thereby to cause the ejection of a drop of the bubble forming liquid through the nozzle corresponding to that heater element (col 5, lns 61-67), **5)** being configured to support the bubble forming liquid in thermal contact with each said heater element, and to support the bubble forming liquid adjacent each

Art Unit: 2853

nozzle, 6) wherein the areal density of the nozzles relative to the substrate surface exceeds 20,000 nozzles per square cm of substrate surface (col 16, lns 11-13), and 7) configured to receive a supply of the bubble forming liquid at an ambient temperature, wherein each heater element is configured such that the energy required to be applied thereto to heat said part to cause the ejection of said drop is less than the energy required to heat a volume of said bubble forming liquid equal to the volume of said drop, from a temperature equal to said ambient temperature to said boiling point. Feinn et al. further at least teaches that inkjet printhead assemblies can utilize non-scanning type printheads.

The method of claims 33-35, and 39 are disclosed in Feinn et al. as discussed above with respect to the apparatus.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3, 7, 10-12, 19, 23, 26-28, 38, and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feinn et al (US 6,543,879 B1) in view of Silverbrook (US 6,019,457).

Feinn et al. discloses a method of ejecting a drop of an ejectable and a printer system incorporating a printhead (Fig. 4) comprising: **1)** a substrate (142) having a substrate surface, **2)** a plurality of nozzles (113), each nozzle having a nozzle aperture

Art Unit: 2853

opening through the substrate surface, the areal density of the nozzles relative to the substrate surface exceeding 10,00 nozzles per square cm of substrate surface (abstract; col 16, lns 11-13), **3)** a least one respective heater (firing resistor 148) corresponding to each nozzle, wherein each heater element is arranged for being in thermal contact with a bubble forming liquid (ink 30), **4)** each heater element configured to heat at least part of the bubble forming liquid to a temperature above its boiling point to form a gas bubble therein thereby to cause the ejection of a drop of the bubble forming liquid through the nozzle corresponding to that heater element (col 5, lns 61-67), **5)** being configured to support the bubble forming liquid in thermal contact with each said heater element, and to support the bubble forming liquid adjacent each nozzle, **6)** wherein the areal density of the nozzles relative to the substrate surface exceeds 20,000 nozzles per square cm of substrate surface (col 16, lns 11-13), and **7)** configured to receive a supply of the bubble forming liquid at an ambient temperature, wherein each heater element is configured such that the energy required to be applied thereto to heat said part to cause the ejection of said drop is less than the energy required to heat a volume of said bubble forming liquid equal to the volume of said drop, from a temperature equal to said ambient temperature to said boiling point. Feinn et al. further at least teaches that inkjet printhead assemblies can utilize non-scanning type printheads.

Feinn et al. does not disclose **1)** a page-width printhead, **2)** wherein each heater has an actuation energy of less than 500 nanojoules (nJ), **3)** wherein the bubble which each heater element is configured to form is collapsible and has a point of collapse, and

Art Unit: 2853

wherein each heater element is configured such that the point of collapse of a bubble formed thereby is spaced from the heater element, 4) a structure that is formed by chemical vapor deposition (CVD), said nozzles being incorporated in the structure, 5) structure which is less than 10 microns thick, said nozzles being incorporated in the structure. Silverbrook at least teaches a page-width printhead (col 2, Ins 19-20), wherein each heater (120) has an actuation energy of less than 500 nanojoules (nJ) (col 19, Ins 8-10), wherein the bubble which each heater element is configured to form is collapsible and has a point of collapse, and wherein each heater element is configured such that the point of collapse of a bubble formed thereby is spaced from the heater element (as shown by the shape of the heater element 120 in Fig. 10-12), a structure (overcoat 142) that is formed by chemical vapor deposition (CVD) said nozzles being incorporated in the structure (col 8, Ins 65-66), and structure which is less than 10 microns thick, said nozzles being incorporated in the structure (col 9, Ins 8-10). It would have been obvious at the time the invention was made to a person having ordinary skill in the inkjet art to modify Feinn et al. with the structure as taught to be old by Silverbrook for the purpose of providing mechanical strength to resist the shock of exploding or collapsing vapor bubbles and providing protection against the external environment.

The method of claims 38, and 41-43 are disclosed in Feinn et al. in view of Silverbrook as discussed above with respect to the apparatus.

Art Unit: 2853

8. Claims 6, 9, 16, 22, 25, 32, 37, 40, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feinn et al. (US 6,543,879 B1) in view of Kubby (5,706,041).

Feinn et al. teaches the claimed invention, with the exception of **1)** wherein each heater element is in the formed of a suspended beam, **2)** wherein each heater element has two opposite sides and is configured such that said gas bubble formed by that heater element is formed at both of said sides of that heater element, and **3)** wherein each heater is substantially covered by a conformal protective coating, such that the coating is seamless. Kubby at least teaches wherein each heater element is in the formed of a suspended beam (col 3, lns 50-51) wherein each heater element has two opposite sides and is configured such that said gas bubble formed by that heater element is formed at both of said sides of that heater element (abstract; col 4, lns 47-65; col 5, lns 8-16), and wherein each heater is substantially covered by a conformal protective coating (col 4, lns 11-17). It would have been obvious at the time the invention was made to a person having ordinary skill in the ink jet art to modify Feinn et al. by providing the heating element as taught to be old by Kubby for the purpose of dissipating heat from the heating element more efficiently, preventing wasted heat from accumulating within the printhead.

The method of claims 37, 40, and 47 are disclosed in Feinn et al. in view of Kubby as discussed above with respect to the apparatus.



Art Unit: 2853

9. Claims 13, 29 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feinn et al. (US 6,654, 8979 B1) in view of Komuro (US 4,965,594).

Feinn et al. teaches the claimed invention, with the exception of the heater being formed on different layers. Komuro at least teaches an inkjet print head having a heater that is formed in a plurality of different layers (col 3, Ins 35-65, as seen in Fig. 1). It would have been obvious at the time the invention was made to a person having ordinary skill in the ink jet art to modify Feinn et al. by providing a heater that is formed in a plurality of different layers as taught to be old by Komuro for the purpose of enabling drops of different sizes to be ejected in order to produce a gradated recording.

The method of claim 44 are disclosed in Feinn et al. in view of Komuro as discussed above with respect to the apparatus.

10. Claims 14, 30, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feinn et al, (US 6,543 879 B1) in view of The Fabrication of Reliability Testing of Ti/TiN Heaters (DeMoor).

Feinn et al. teaches the claimed invention, with the exception of each heater element is formed of solid material more than 90% of which, by atomic proportion, is constituted by at least one periodic element having an atomic number below 50. DeMoor at least teaches that it is desirable to use a heater made of Ti/TiN (Ti has an atomic number of 22) in integrated MEMS systems (a thermal inkjet is such a system), because the material provide the advantages of CMOS fabrications (low cost and uniformity) in combination with a very high reliability (see Conclusion). It would have been obvious at the time the invention was made to a person having ordinary skill in the

Art Unit: 2853

inkjet art to modify Feinn et al. by providing the Ti/TiN heater as taught to be old by DeMoor, for the purpose of providing advantages of CMOS fabrication in combination with high reliability.

The method of claim 45 is disclosed in Feinn et al. in view of DeMoor as discussed above with respect to the apparatus.

11. Claims 15, 31, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feinn et al. (US 6,543, 879 B1) in view of Yamashita et al. (US 5,969,005).

Feinn et al. teaches the claimed invention, with the exception of wherein each heater element is configured for a mass of less than 10 nanograms. Yamashita et al. at least teaches that the ink is jetted at an output of from 1 to 70 nanograms per droplet to effect recording (abstract, col 30, lns 29-32, lns 38-40; col 31, lns 18-22). It would have been obvious at the time the invention was made to a person having ordinary skill in the ink jet art to modify Feinn et al. with the output of 1 to 70 nanograms per droplet to effect recording as taught to be old by Yamashita et al. for the purpose of providing a greater surface area of the droplet, thus strongly improving image quality.

The method of claim 46 is disclosed in Feinn et al. in view of Yamashita et al. as discussed above with respect to the apparatus.

***Allowable Subject Matter***

12. Claims 5, 21 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2853

**Comment**

13. Incorporating claims 5, 21 and 36 into independent claims 1, 17 and 33 will result in a Double Patenting rejection on US 7,086,718 in next office action.

**Contact Information**

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juanita D. Stephens whose telephone number is (571) 272-2153. The examiner can normally be reached on Flex (Monday-Thursday 9:00 am -6:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

Application/Control Number: 10/534,823

Page 11

Art Unit: 2853

USPTO Customer Service Representative or access to the automated  
information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Juanita Stephens", with a long, sweeping horizontal stroke extending to the right.

Juanita D. Stephens  
Primary Examiner  
Art Unit 2853

JDS  
March 18, 2007